THE HON'BLE MR JUSTICE R.SUBHASH REDDY

Writ Petition No.26804 of 1998

14.06.2007

Between

Jegurupadu Gram Panchayat

…Petitioner

And

Govt. of A.P., Panchayat Raj & Rural Development Department, rep. By its Secretary to Govt., Secretariat, Hyderabad and others.

…Respondents

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Writ Petition No.26804 of 1998

ORDER:

The petitioner is a Gram Panchyat, a body constituted under Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'). In this writ petition, it questions the validity of G.O.Ms.No.109, Panchayat Raj & Rural Development (PTS.IV) Department, dated 09.03.1998, under which, powers and functions of certain Gram Panchayats covered by Industries in Kakinada, East

Godavari District, such as collection of taxes, finances, public safety etc., were transferred in favour of the third respondent, State owned Corporation i.e., A.P.Industrial Infrastructure Corporation Limited.

In the impugned G.O., various industrial areas in the entire Kakinada Zone, East Godavari District are covered. However, the petitioner, which is at Serial No.11 in Annexure-II, has filed this writ petition mainly on the ground that even by the time the notification was issued, industries have come up, and the petitioner-Gram Panchayat is mainly dependant on the finances collected by way of taxes from the Industries. As such, there are no valid reasons for transferring certain powers to the third respondent from the purview of the petitioner-Gram Panchayat.

Heard the learned counsel for the petitioner and perused the material on record.

At the out set, under Section 147 of the Act, the Government is empowered to transfer any power or function vested in the Gram Panchayat to any other local authority, and as per explanation to Section 147 of the Act, local authority includes A.P.Inudstiral Infrastructure Corporation Limited.

The plea of the learned counsel for the petitioner that the industries were already established by the date of notification is not a ground to attack the validity of the impugned G.O. In the impugned G.O., itself, it is stated that for better maintenance of industrial areas, some powers which are shown in Annexure-I are transferred to local authority. Even with regard to finances, the very impugned G.O., provides for sharing the finances between the Gram Panchayat and the said local authority. Further, in the G.O., when it is stated that for better administration of the industrial areas, such transfer is ordered, this Court is of the opinion that it is perfectly within the power of the Government, as contemplated under Section 147 of the Act.

In that view of the matter, I do not find any ground which warrant interference by this Court with the impugned order. The writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

14.06.2007

VGB